

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KAYE R. MEDINA,)
)
Plaintiff,) Case No.
V)
JASON HARDY,)
)
Defendant.)

NOTICE OF REMOVAL

Defendant, Jason Hardy, Chief, Management Systems Staff, National Personnel Records Center (“NPRC”), National Archives and Records Administration, hereby gives notice, by and through his attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Nicholas P. Llewellyn, Assistant United States Attorney for said District, pursuant to 28 U.S.C. §§ 1446(a) & 1442(a)(1), that he is removing this action to the United States District Court for the Eastern District of Missouri, Eastern Division, on the following grounds:

1. Jason Hardy is a respondent in a civil action now pending in the Circuit Court of Twenty First Judicial Circuit of the County of St. Louis, State of Missouri, Case No. 17SL-PN00875.
2. The action in state court against Jason Hardy alleges domestic violence, stalking, or sexual assault acts within the workplace against the petitioner Kaye R. Medina. See Plaintiff's Petition. Specifically, in paragraph 11 of her Petition, Plaintiff alleges that in “February, 2017 [Hardy] stalked me harassed me coerced me” while she was working at the National Personnel Records Center. In paragraph 12 of her Petition, Plaintiff alleges “Jason stalks my internet connections at work and does major internet updates during my emotional cycles like a divorce. He used my mental health records to break me down at work.” Plaintiff is requesting that her

coworker, Jason Hardy, be restrained from “committing or threatening to commit domestic violence, sexual assault, molesting, or disturbing the peace of [Medina] wherever [Medina] may be found; stalking [Medina]; entering the dwelling of [Medina] located at [blank in Petition]; entering onto the premises of the [Medina’s] place of employment located at [blank in Petition]; come within 500 (feet) of the [Medina]; communicating with [Medina] in any manner or through any medium.” Plaintiff also requests the Court to issue: an “Order that [Hardy] make or continue to make the rent or mortgage payments in the amount of \$675 on the residence occupied by [Medina]; Order that [Hardy] pay [Medina’s] rent at a residence other than the residence previously shared with Respondent, in the amount of \$1000 per month; Order [Hardy] to pay a reasonable fee for housing and other services provided to [Medina] by a shelter for victims of domestic violence; and Order [Hardy] to pay the cost of medical treatment or services provided to [Medina] as a result of injuries sustained by an act of domestic violence committed by [Hardy]. See Plaintiff’s Petition, ¶¶15, 20, 21, 22, 23

3. This Notice of Removal is brought pursuant to 28 U.S.C. § 1442(a)(1). As set forth in 28 U.S.C. § 1442(a)(1), a civil action commenced in a state court against the United States or “any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an individual capacity for any act under color of such office . . .” may be removed “to the district court of the United States for the district and division embracing the place wherein it is pending.”

4. The acts alleged against Jason Hardy are causally related to his position as Chief, Management Systems Staff at NRPC of the National Archives and Records Administration and are “acts under color of office”.

5. As required by 28 U.S.C. § 1446(a), "...a copy of all process, pleadings, and orders served upon such defendant...", are attached.

WHEREFORE, this action, now pending in the Circuit Court of the Twenty-First Judicial Circuit of the County of St. Louis, State of Missouri, is removed to this Court.

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Nicholas P. Llewellyn
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CERTIFICATE OF SERVICE

I certify that on March 3, 2017, a copy of the *Notice of Removal* was filed electronically with the Clerk of the Court, and a copy was mailed to:

Kaye R. Medina
1211 Elkay Ct., Apt. 201
Highland, IL 62249
Plaintiff Pro Se

/s/ Nicholas P. Llewellyn
NICHOLAS P. LLEWELLYN
Assistant United States Attorney